

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LEA ANN BAUGH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-09-859-D
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

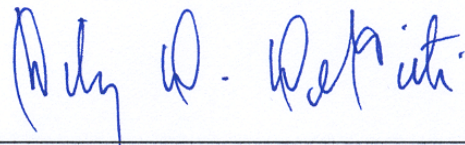
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B), in this action for judicial review under the Social Security Act, 42 U.S.C. § 405(g). Judge Purcell recommends affirmance of the Commissioner's decision to deny Plaintiff's application for disability insurance benefits. Plaintiff has filed a timely objection. Thus, the Court must make a *de novo* determination of issues specifically raised by the objection, and may accept, modify or reject the recommended decision. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In this administrative appeal, Plaintiff has raised a single claim of error with regard to the determination of an administrative law judge (ALJ) that she is not disabled: "The ALJ committed the exact legal error described in *Watkins v. Barnhart* [350 F.3d 1297 (10th Cir. 2003)] in that he failed to evaluate and weigh the opinion of the longstanding treating physician using the factors set forth in the regulations and make the requisite findings." *See* Pl.'s Opening Br. [Doc. 19] at 7. Judge Purcell, in a thorough Report and Recommendation, carefully examines this issue and rejects it, finding that the ALJ's decision is not inconsistent with *Watkins* or the corresponding regulation, 20 C.F.R. § 404.1527(d).

Upon an independent review of the record and the medical evidence, the Court fully concurs in Judge Purcell's conclusions and rejects Plaintiff's argument. In this case, the ALJ was presented with an opinion regarding Plaintiff's functional capacity given by a treating physician – Dr. Miles, a family physician – that was inconsistent with treatment records, including those of another treating physician – Dr. Marion, a pulmonary specialist. The ALJ clearly rejected Dr. Miles' opinion for reasons adequately stated in his decision, as permitted by *Watkins* and required by *Clifton v. Chater*, 79 F.3d 1007, 1010 (10th Cir. 1996). Plaintiff does not contend the ALJ offered a bare conclusion or ignored any evidence. The Court finds that here, as in *Oldham v. Astrue*, 509 F.3d 1254, 1258 (10th Cir. 2007): "The ALJ provided good reasons in his decision for the weight he gave to the treating sources' opinions. See 20 C.F.R. § 404.1527(d)(2). Nothing more was required in this case."

IT IS THEREFORE ORDERED that Judge Purcell's Report and Recommendation [Doc. No. 22] is ADOPTED in its entirety. The Commissioner's decision is AFFIRMED. Judgment will be entered accordingly.

IT IS SO ORDERED this 30<sup>th</sup> day of July, 2010.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE